



CJC

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent No. 7,001,756 ) Serial No. 10/780,601  
Inventor(s): Ching-Hsiang HSU *et al* ) Filed: February 19, 2004  
Issue Date: February 21, 2006 ) Attorney Docket No. 001409.00011

For: NOVEL MICROORGANISM STRAIN OF GM-020 OF *LACTOBACILLUS RHAMNOSUS*  
AND ITS USE FOR TREATING OBESITY

REQUEST FOR CERTIFICATE OF CORRECTION

U.S. Patent and Trademark Office  
Customer Service Window  
Randolph Building, Mail Stop: Certificate of Correction Branch  
401 Dulany Street  
Alexandria, VA 22314

Certificate  
JUN 02 2006  
of Correction

Sir:

Pursuant to 35 U.S.C. § 254 and 37 C.F.R. § 1.322, this is a request for the issuance of a Certificate of Correction in the above-identified patent. Two (2) copies of PTO Form 1050 are appended. The complete Certificate of Correction involves one page.

The mistakes identified in the appended Form occurred through no fault of the Applicants, as clearly disclosed by the records of the application, which matured into this patent. Enclosed for your convenience is the Examiner's Amendment enclosed with the Notice of Allowance dated July 19, 2005.

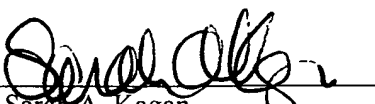
Issuance of the Certificate of Correction containing the corrections is respectfully requested. Since these changes are necessitated through no fault of the Applicants, no fee is believed to be associated with this request. Nonetheless, should the Patent and Trademark Office determine that a fee is required, please charge our Deposit Account No. 19-0733.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated: May 31, 2006

1001 G Street, N.W. (11th Fl.)  
Washington, D.C. 20001  
(202) 824-3000

By:   
Sarah A. Kagan  
Registration No. 32,141

JUN 05 2006

UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

PATENT NO.: 7,001,756  
DATED: February 21, 2006  
INVENTOR(S): Ching-Hsiang HSU *et al*

It is certified that errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In Column 17, Claim 3, Line 59:

Please replace "a complication thereof," with --hypercholesterolemia--

In Column 17, Claim 5, Lines 64-67:

Please replace "CFU/mL and wherein the complication is selected from the group consisting of hypercholesterolemia, atherosclerosis and coronary heart disease." with --CFU/mL.--

In Column 18, Claim 6, Line 52:

Please replace "a complication thereof" with --hypercholesterolemia--

In Column 18, Claim 7, Line 55:

Please replace "a complication thereof" with --hypercholesterolemia--

In Column 18, Claim 7, Line 56:

Please replace "administrating said" with --administrating to said-- and remove "with"

In Column 18, Claim 7, Lines 61-62:

Please replace "a complication thereof" with --hypercholesterolemia--

In Column 18, Claim 7, Line 62:

Please replace "administrating said" with --administrating to said--

In Column 18, Claim 7, Line 63:

Please remove "with" and replace "strain" with --isolated microorganism--

Mailing Address of Sender:

Banner & Witcoff, Ltd.  
11th Floor  
1001 G Street, N.W.  
Washington, DC 20001-4597

FORM PTO 1050 (Rev.2-93)

U.S. PAT. NO 7,001,756

No. of add'l copies  
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JUN 05 2006

UNITED STATES PATENT AND TRADEMARK OFFICE  
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INVENTOR(S): Ching-Hsiang HSU *et al*

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FORM PTO 1050 (Rev.2-93)

U.S. PAT. NO 7,001,756

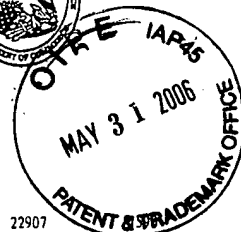
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## UNITED STATES PATENT AND TRADEMARK OFFICE

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## NOTICE OF ALLOWANCE AND FEE(S) DUE

22907

07/19/2005

BANNER & WITCOFF  
1001 G STREET N W  
SUITE 1100  
WASHINGTON, DC 20001

EXAMINER

FORD, VANESSA L

ART UNIT

PAPER NUMBER

1645

DATE MAILED: 07/19/2005

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/780,601

02/19/2004

Ching-Hsiang Hsu

001409.00011

3910

TITLE OF INVENTION: NOVEL MICROORGANISM STRAIN GM-020 OF LACTOBACILLUS RHAMNOSUS AND ITS USE FOR TREATING OBESITY

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$0	\$700	10/19/2005

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

## HOW TO REPLY TO THIS NOTICE:

## I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

**Notice of Allowability**



Application No.

10/780,601

Examiner

Vanessa L. Ford

Applicant(s)

HSU ET AL.

Art Unit

1645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 19 April 2005.
2. ☒ The allowed claim(s) is/are 1-4, 6, and 8-11.
3. ☒ The drawings filed on 19 February 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| <ol style="list-style-type: none"> <li>1. <input type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br/>Paper No./Mail Date _____</li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br/>of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</li> <li>6. <input type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date _____</li> <li>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input checked="" type="checkbox"/> Other <u>Interview Summary</u>.</li> </ol> |
|---|--|

***Examiner's Amendment***

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Claims 1-2, 8-9 and 10-11 are directed to an allowable product. Pursuant to the procedures set forth in the Official Gazette notice dated March 26, 1996 (1184 O.G. 86), claims 3-4, 6 and 8-11, directed to the process of using the patentable product, previously withdrawn from consideration as a result of a restriction requirement, mailed August 25, 2004 now subject to being rejoined. Claims 3-4, 6 and 8-11 are hereby rejoined and fully examined for patentability under 37 CFR 1.104.

2. Authorization for this examiner's amendment was given in a telephone interview with Sarah Kagan on July 8, 2005. Authorization was also given to amend claims 2-4, 6 and 10-11 and cancel claims 5, 7 and 12.

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3. Amend the application as follows:

**In the claims:**

1. (previously presented) An isolated microorganism of the strain *Lactobacillus rhamnosus* GM-020, deposited at the China Center for Type Culture Collection under CCTCC No.: CCTCC M 203098.
2. (currently amended) A composition comprising a suspension of the isolated microorganism strain according to ~~Claim 4~~ claim 1.
3. (currently amended) A method for treating obesity or ~~a complication thereof~~ hypercholesterolemia in a subject comprising administering to said subject with a composition comprising the isolated microorganism according to ~~Claim 4~~ claim 1.
4. (currently amended) The method according to ~~Claim 3~~ claim 3, wherein the composition further comprises *Auricularia polytricha*.
5. (cancelled)

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6. (currently amended) A method for treating obesity and ~~a complication thereof~~ hypercholesterolemia in a subject comprising administering to said subject with a composition comprising the ~~strain isolated microorganism~~ according to ~~Claim 1~~ claim 1 and *Auricularia polytricha*.

7. (cancelled).

8. (previously presented) A composition according to claim 2, which is used for treating obesity or ~~a complication thereof~~, hypercholesterolemia wherein the *Lactobacillus rhamnosus* GM-020 is gram-positive.

9. (previously presented) The composition according to ~~Claim 8~~ claim 8 further comprising *Auricularia polytricha*.

10. (currently amended) The composition according to ~~Claim 8~~ claim 8, comprising a dosage of the *Lactobacillus rhamnosus* GM-020 of  $10^9$  CFU/ml ~~and~~ wherein the complications is selected from the group consisting of hypercholesterolemia, atherosclerosis, and coronary heart disease.



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11. (currently amended) A composition for treating obesity and ~~a complication thereof~~ hypercholesterolemia in a subject comprising the isolated microorganism according to ~~Claim 4~~ claim 1 and *Auricularia polytricha*.

12. (cancelled).